

STORAGE NAME: h0589s1.cj

DATE: April 24, 2000

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
CRIMINAL JUSTICE APPROPRIATIONS
ANALYSIS**

BILL #: CS/HB 589

RELATING TO: Illegal Campaign Contributions

SPONSOR(S): Committee on Election Reform, Representative Henriquez and others

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) ELECTION REFORM YEAS 9 NAYS 0
 - (2) CRIME & PUNISHMENT YEAS 6 NAYS 0
 - (3) GOVERNMENTAL OPERATIONS YEAS 5 NAYS 0
 - (4) CRIMINAL JUSTICE APPROPRIATIONS
 - (5)
-

I. SUMMARY:

Current law provides a first degree misdemeanor penalty for anyone who makes or accepts a contribution by cash or cashier's check over \$100. CS/HB 589 makes it a third degree felony to make or accept a cash contribution in excess of \$5,000, and a first degree misdemeanor to make or accept a contribution in an amount more than \$100 but not more than \$5,000.

This bill does not have a significant fiscal impact on state or local governments.

This bill has an effective date of July 1, 2000.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Current law prohibits a person from making or accepting campaign contributions in cash or by cashier's check in excess of \$100, s. 106.09, F.S. The penalty for violating this section remains the same regardless of the amount of the illegal contribution.

A violation of this section constitutes a first degree misdemeanor punishable by a term of imprisonment not to exceed one year and a \$1000 fine, s. 775.082, F.S., and 775.083, F.S.

C. EFFECT OF PROPOSED CHANGES:

This bill provides that any person who makes or accepts a cash contribution in excess of \$100 but not more than \$5,000 commits a first degree misdemeanor, punishable by a term of imprisonment not to exceed one year and a \$1,000 fine. Any person who knowingly and willfully makes or accepts a contribution of more than \$5,000 is guilty of a third degree felony, punishable by a term of imprisonment not to exceed five years and up to a \$5,000 fine.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides increased penalties for making certain illegal campaign contributions.

Section 2: Provides effective date.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

To the extent that increased fines associated with the graduated penalties for illegal contribution may be imposed, the state may receive increased revenue.

2. Expenditures:

Expenditures associated with prosecuting cases with graduated penalties should be inconsequential.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See above.

2. Expenditures:

See above.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Department of Corrections reports that, compared to other criminal activity, the anticipated frequency of the posed offenses in CS/HB 589 would be minimal. The department anticipates no fiscal impact as a result of the bill.

The criminal penalty provided in CS/HB 589 is an unranked third degree felony, which would have no impact on the prison inmate population.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

Election laws are exempt from the mandates of Art. VII, s. 18, of the Florida Constitution.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

See above.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

See above.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On February 8, 2000, the Committee on Election Reform considered HB 589. HB 589 originally provided for the following graduated penalties:

- Any person who makes or accepts a cash contribution in an amount more than \$100 but less than \$300 in cash commits a first degree misdemeanor.
- Any person who makes or accepts a cash contribution in an amount of \$300 or more but less than \$20,000 commits a third degree felony.
- Any person who makes or accepts a cash contribution in an amount of \$20,000 or more but less than \$100,000 commits a second degree felony.
- Any person who makes or accepts a cash contribution in an amount of \$100,000 or more commits a first degree felony.

The House Committee on Election Reform adopted a "strike everything" amendment to HB 589 and the bill as amended passed out favorably as a committee substitute.

On April 12, 2000, the Committee on Governmental Operations considered CS/HB 589 and passed it out favorably with one amendment. The amendment removed the maximum contribution amount of \$5,000 for a first degree misdemeanor.

VII. SIGNATURES:

COMMITTEE ON ELECTION REFORM:

Prepared by:

R. Michael Paredes

Staff Director:

Dawn K. Roberts

AS REVISED BY THE COMMITTEE ON CRIME & PUNISHMENT:

Prepared by:

Trina Kramer

Staff Director:

David De La Paz

AS FURTHER REVISED BY THE COMMITTEE ON GOVERNMENTAL OPERATIONS:

Prepared by:

Amy K. Tuck

Staff Director:

Russell J. Cyphers, Jr.

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AS FURTHER REVISED BY THE COMMITTEE ON CRIMINAL JUSTICE
APPROPRIATIONS:

Prepared by:

Staff Director:

Susan M. Mosychuk

James P. DeBeaugrine